

### **REMARKS**

In response to the Non-Final Office Action mailed September 23, 2008, reconsideration is respectfully requested in view of the following remarks. Claim 22 has been amended to correct a minor inconsistency. No new matter has been added. Claims 1-21 and 23-25 have been canceled without prejudice.

In response to the objection raised by the Examiner, claim 22 has been amend. The reference to “gun” in the last line of the claim has been changed to weapon to correct the inconsistent use of the terms identified by the Examiner. Accordingly, it respectfully requested that the objection be withdrawn.

Claim 22 stands rejected under 35 U.S.C. § 103(a) as being obvious in view of Peschmann (US 5,367,552). Applicant respectfully traverses this rejection as Peschmann does disclose all the elements of the claimed invention.

Peschmann is directed to a drug and explosive material detection system that identifies “concealed objects with a density corresponding to the density of target objects, such as explosives or drugs.” *See* Peschmann, abstract. “This density information is utilized to identify objects with a target density of interest.” *See* Peschmann, col. 3, line 25 – 58. Further, Peschmann teaches that the shape can be used to verify the identification of the objects. *See* Peschmann, abstract. Peschmann also discloses increasing the confidence of the identification of a target object based on its shape. *See* Peschmann, col. 10, lines 38-47. Thus, Peschmann discloses a two step process, detecting the density of a target object and then increasing the confidence of the detected object by comparing its shape to a list of characteristics. Peschmann does not teach or disclose a system for detecting weapons or even hollow objects.

As the Examiner correctly noted, claim 22 includes the following element, not taught by Peschmann:

“analyze the slice data to determine if at least one of a hollow circular shape and an oval shape of a known diameter exists, the shape being surrounded by metal or dense plastic”

However, the above limitation is not obvious in view of Peschmann, either. Peschmann does not disclose analyzing slice data for a hollow shape, let alone a circular or oval shape of a known diameter. The rejection fails to explain why a person of ordinary skill would specifically select to analyze for a hollow circular shape or an oval shape of a known diameter. Peschmann only teaches detecting density first and then increasing the confidence of the identification using shape, thus Peschmann teaches away from the claimed invention.

Further, the claimed invention recites, after identifying a circular or oval shape, the determining that the detected hollow circular shape or oval shape of a known invention is surrounded by metal or dense plastic. The claimed invention is directed to detecting a hollow circular shape or oval shape surrounded by a specific material – that is the present invention is directed to detecting the barrel of a weapon. Peschmann does not teach or disclose detecting a shape surrounded by metal or a dense plastic. Peschmann is directed to detecting drugs and explosives, not weapon. Peschmann teaches first detecting either drugs or explosives based on density and then uses the outer peripheral shape to confirm that explosives are detected. However, Peschmann only suggests using the shape when a specific feature can be found, specifically a detonator cap which may appear as a protrusion to an ordinary shaped rectangular object. Peschmann is silent to first detecting an ordinary shape and then detecting the material outside or around the shape, thus, Peschmann teaches away from the present invention.

Still further, the claimed invention further recites:

“if the detection processor has analyzed the last slice for the container,  
then determining that no weapon was found in the container.”

Thus, the system as claimed analyzes a slice for at least one of the recited “hollow circular shape and an oval shape of a known diameter” and if the shape is not found after analyzing the last slice, the system determines that a weapon was not found in the container. Peschmann clearly does not disclose this element of claim. It is noted that the office action refers the reader to portions of Peschmann (Col. 3 and col. 8) however this element of claim is nowhere to be found the reference. In addition, the Office Action

does not provide any analysis or explanation as to how Peschmann meets this element of the claims.

It is respectfully submitted that Peschman teaches away from this element of the claimed invention. According to the claimed invention, if the last slice is analyzed and the recited “hollow circular shape and an oval shape of a known diameter” is not found, the system determines that no weapon was found. Peschmann teaches using further steps to increase the level of confidence of the identification of the target object.

Accordingly claim 22 is patentable over the prior art of record and a favorable action on the merits allowing the application is respectfully requested.

If a telephone conversation with Applicants’ attorney would help expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at (617) 542-6000.

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Respectfully submitted,

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